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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,693	07/19/2005	Beat Luginbuhl	71830	1858
23872 7590 12/02/2008 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
CULLER, JILL E				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/542,693

**Applicant(s)**

LUGINBUHL, BEAT

**Examiner**

JILL E. CULLER

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,537,127 to Fadner et al.

With respect to claim 8, Fadner et al. teaches an inking system, comprising: a printing form cylinder or plate cylinder, 20; a rubber blanket cylinder, 25; an inking and dampening system with an ink duct, 10, a ductor roller, 11, a doctor blade bar, 13, engaged with the ductor roller and a film or fluted roller, 12; other ink transfer rollers between the film or fluted roller; a mating cylinder, 26, the rubber blanket cylinder forming a printing gap, in which a web, 21, passing through is printed on, on one side or on both sides, the film or fluted roller comprising a ink-transferring surface with predominately circumferential flutes distributed over the ink-transfer surface and, predominately longitudinal flutes intersecting the circumferential flutes and elevated surface areas as disposed between the circumferential and longitudinal flutes. See column 6, lines 23-61 and Figs. 1-4.

With respect to claim 15, Fadner et al. teaches an inking system comprising: an inking roller, 12, including an ink-transferring surface, said surface defining a plurality of circumferential flutes extending predominately in a circumferential direction of said

inking roller, said surface defining a plurality of longitudinal flutes extending predominantly in a longitudinal direction of said inking roller. See column 6, lines 36-48 and Figs. 2-4 in particular.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-11, 16-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al.

With respect to claim 1, Fadner et al. teaches an inking roller, 12, for an inking system, comprising: a ink-transferring surface with circumferential flutes distributed over the ink-transfer surface and longitudinal flutes intersecting the circumferential flutes and elevated surface areas as webs between the circumferential and longitudinal flutes. See column 6, lines 36-48 and Figs. 2-4 in particular.

Although Fadner et al. does not explicitly teach that the elevated surface areas form less than 15% of a surface of the roller, Fadner et al. does teach that the desirable amount of elevated surface area is variable dependent upon the desired application. See column 6, lines 37-42 and Figs. 3-4. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the optimum

dimensions of the roller pattern of Fadner et al. through routine experimentation, dependent upon the required specifications of the application.

With respect to claims 2-3 and 9-10, although Fadner et al. does not explicitly teach the claimed web dimensions, one having ordinary skill in the art would recognize that the optimal dimensions of the web would vary depending upon the required application and therefore could best be determined through routine experimentation.

With respect to claims 4, 11 and 16-17, although Fadner et al. does not explicitly teach the claimed shape and slope angle of the flutes, one having ordinary skill in the art would recognize that the optimal shape of the flutes would vary depending upon the required application and therefore could best be determined through routine experimentation.

With respect to claim 20, although Fadner et al. does not explicitly teach that the elevated surface disposed between the circumferential and longitudinal flutes form between 10% and 20% of a total roller surface, Fadner et al. does teach that the desirable amount of elevated surface area is variable dependent upon the desired application. See column 6, lines 37-42 and Figs. 3-4. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the optimum dimensions of the roller pattern of Fadner et al. through routine experimentation, dependent upon the required specifications of the application.

5. Claims 5-6, 12-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of DE 3932694 to Yuichi et al.

With respect to claims 5 , 12 and 19, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1, 8 and 15, except that each of the circumferential flutes runs back into itself, forming a closed loop.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes runs back into itself. See Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes that run back into themselves forming closed loops, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

With respect to claims 6 and 13, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1 and 8, except that each of the circumferential flutes has a continuously curved course.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes has a continuously curved course. See Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes in a continuously curved course, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

6. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of U.S. Patent No. 5,016,530 to Palmatier.

Fadner et al. teaches all that is claimed, as in the above rejection of claims 1, 8 and 15, except that the circumferential flutes extend in a wave-shaped pattern with an amplitude of preferably between 3 mm and 50 mm.

Palmatier teaches an inking roller having circumferential flutes extending in a wave-shaped pattern. See column 2, lines 28-44 and Figs. 2-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Fadner to have flutes in a wave-shaped pattern, as taught by Palmatier, as Palmatier teaches this is an advantageous design. Although Fadner et al. and Palmatier do not explicitly teach the amplitude of the pattern, one having ordinary skill in the art would recognize that the optimal amplitude of the flute pattern would vary depending upon the required application and therefore could best be determined through routine experimentation.

### ***Response to Arguments***

7. Applicant's arguments filed September 17, 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that Fadner et al. does not disclose that the elevated surface areas form less than 15% of a surface of the roller, this limitation is considered to be obvious in light of the disclosure of Fadner et al., as discussed in the above rejection. Fadner et al. teaches at least two different values of possible surface area, as discussed by applicant, and the disclosure of Fadner et al. states that these dimensions should be determined based upon the desired application. Therefore, any

additional variation in the surface area is suggested by Fadner et al. and could be optimized through routine experimentation.

In response to applicant's argument that Fadner et al. does not disclose "predominately" circumferential and "predominately" longitudinal flutes, because Fadner et al. actually describes two sets of flutes which could be considered both circumferential and longitudinal, the flutes are considered to be both "predominately" circumferential and "predominately" longitudinal, depending upon how one looks at the roller. Therefore, any claim to "predominately" circumferential or "predominately" longitudinal flutes is taught by Fadner et al. as discussed above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 2,338,635 to Galber teaches an example of a liquid applicator roller which uses both circumferential and longitudinal flutes. It was not relied upon for rejection, as Fadner et al. teaches all of applicant's claimed limitations, but it should be noted as a further example of a roller construction such as that in the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/  
Primary Examiner, Art Unit 2854